IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2231 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMRITA MILLS LTD. - Petitioner(s)
Versus
POPATBHAI RATNABHAI - Respondent(s)

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Appearance :
MR ASHWIN H ACHARYA for Petitioner(s) : 1,
SERVED BY AFFIX.-(R) for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 09/01/2006

ORAL JUDGMENT

1. Petitioner i.e. Amrita Mills Ltd. has filed this petition under Article 226 of the

Constitution of India praying for quashing and setting aside the order of the appellate authority under the Payment of Gratuity Act passed in Appeal No.142 of 1984 dated 12.04.1985 and the order of the Competent Authority under the Payment of Gratuity Act in Application No.265 of 1983 passed on 01.10.1984. The petition was admitted and rule was issued on 06.04.1989 and interim relief was also granted in terms of Para 15(b) whereby the impugned orders were stayed by the Court during the pendency and final hearing of the petition.

2. After the petition was admitted by the Court, the company went in liquidation and final winding up order has already been passed. The official liquidator is appointed as liquidator of the company. No one else except the Official Liquidator has any right to pursue this matter. However, the Official Liquidator has not moved any application for impleading him as a party in this application. In any

case, it is for the respondent workman to move an application to the Company Court for compliance of the orders passed in his favour under the Payment of Gratuity Act. The respondent can also lodge his claim before the Official Liquidator on the basis of orders passed in his favour and the said claim will be examined by him in accordance with the provisions contained in the Companies Act, 1956.

3. Subject to the above observations and directions, this petition is accordingly disposed off. It is however, open to approach this Court in case of difficulty or the need so arises in future.

4. Rule is discharged without any order as to costs.

(K.A.PUJ, J.)

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